

CAUSE NO. _____

**JUAN PALENCIA PEREZ AND
ALBAELIA AYALA****Vs.****48 STATES LOGISTIC INC. AND
MICHEL LEON**§
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§
§
§**IN THE DISTRICT COURT OF****HARRIS COUNTY, TEXAS****____ JUDICIAL DISTRICT****PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Come Now, Juan Palencia Perez and Albaelia Ayala ("Plaintiffs"), and file this Original Petition complaining of and against 48 States Logistic Inc. and Michel Leon ("Defendants"), and would respectfully show the Court as follows:

I. DISCOVERY LEVEL

Plaintiffs seek monetary relief over \$250,000.00 but not more than \$1,000,000.00 and a demand for judgment for all the other relief to which Plaintiffs deem themselves entitled.

Plaintiffs intend to conduct discovery in this matter under Level 2 of Texas Rule of Civil Procedure 190.3.

II. PARTIES

Plaintiffs Juan Palencia Perez and Albaelia Ayala are residents of Harris County, Texas.

Defendant 48 States Logistic Inc. is a Florida corporation doing business in the State of Texas with a principal office at 338 East 9th Street, Hialeah, Florida 33010. Defendant committed a tort in this state and, therefore, is subject to this Court's jurisdiction. 48 States Logistic Inc. is a non-resident under Civil Practice and Remedies Code § 17.041. Accordingly, 48 States Logistic Inc. may be served with process pursuant to the Texas Long-Arm Statute by sending copies of the citation and

DEFENDANTS' COMPOSITE EXHIBIT A

this pleading through the Texas Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079.

Defendant Michel Leon is a non-resident with his principal residence located at 18401 Northwest 39th Avenue, Miami Gardens, Florida 33055 or wherever he may be found. Defendant committed a tort in this state and, therefore, is subject to this court's jurisdiction. Accordingly, Michel Leon may be served with process by sending copies of the citation and this pleading through the Chair of the Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701-2483.

III. JURISDICTION & VENUE

The Court has subject matter jurisdiction over this matter because the amount in controversy exceeds the minimum jurisdictional limit of the Court. Venue is proper in Harris County, Texas, as this is the county in which the cause of action occurred.

IV. FACTUAL BACKGROUND

The collision occurred on February 17, 2021 in Harris County, Texas. Michel Leon was operating a 2012 Peterbilt Tractor Trailer while in the course and scope of his employment with 48 States Logistic Inc.

Michel Leon was traveling westbound in the 11500 block of Interstate 10 East Freeway. Michel Leon failed to drive in a single lane and struck a 2009 Mercedes Benz SLK occupied by Plaintiffs. Plaintiffs suffered bodily injuries as a result of this incident.

V. NEGLIGENCE OF MICHEL LEON

As Michel Leon operated his vehicle at the time of the incident, he had a duty to exercise ordinary care in the operation of the same, to drive the vehicle in a reasonable and prudent manner, and to abide by the provisions of Chapter 545 of the Texas Transportation Code. Michel Leon negligently breached these duties in one or more of the following respects:

- A. In failing to drive in a single lane;
- B. In being inattentive;

- C. In failing to keep a proper lookout;
- D. In failing to take evasive action to avoid striking Plaintiffs' vehicle;
- E. In failing to maintain a safe following distance
- F. In failing to keep said vehicle under reasonable and proper control; and
- G. In failing to obey the statutes of the State of Texas as they pertain to the operation of a motor vehicle.

Michel Leon's negligence was a proximate cause of the collision, as well as the bodily-injury damages Plaintiffs suffered as a result of his involvement in the collision.

VI. NEGLIGENCE OF 48 STATES LOGISTIC INC.

At the time of the incident, Michel Leon was operating a vehicle in the course and scope of his employment with 48 States Logistic Inc. 48 States Logistic Inc. is legally responsible to Plaintiffs for the negligent conduct of Michel Leon under the legal doctrines of respondeat superior, agency and/or ostensible agency because Michel Leon was at all times material hereto an agent, ostensible agent, servant and/or employee of 48 States Logistic Inc., and was acting within the course and scope of such agency or employment. As a result thereof, 48 States Logistic Inc. is vicariously liable for all negligence of Michel Leon.

48 States Logistic Inc. was also negligent in its hiring, training, supervision, monitoring and retention of Michel Leon, and such negligence proximately caused the collision and Plaintiffs' injuries and damages.

Plaintiffs plead the foregoing facts and theories cumulatively and alternatively, with no election or waiver of rights or remedies.

VII. DAMAGES

Because of the actions and conduct of Defendants set forth above, Plaintiffs suffered bodily injuries and damages. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained.

Because of the nature and severity of the injuries Plaintiffs sustained, they have suffered

physical pain, mental anguish, and physical impairment, and in reasonable probability, will continue to suffer physical pain, mental anguish, and physical impairment into the future.

The injuries sustained by Plaintiffs have required medical treatment in the past and, in reasonable probability, will require other and additional medical treatment in the future. Charges incurred by Plaintiffs for such medical treatment in the past and those which will in reasonable probability be incurred in the future have been and will be reasonable charges made necessary by the incident in question.

VIII. RESERVE THE RIGHT TO AMEND & SUPPLEMENT

These allegations against Defendants are made acknowledging that investigation and discovery, although undertaken, are continuing in this matter. As further investigation and discovery are conducted, additional facts will surely be uncovered that may and probably will necessitate further, additional, and/or different allegations, including the potential of adding parties to and/or dismissing parties from the case. The right to do so is, under Texas law, expressly reserved.

IX. REQUEST FOR DISCLOSURE TO ALL DEFENDANTS

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose within the time period set forth in Rule 194.3 the information or material described in Rule 194.2(a) - 194.2(l).

X. PRE-JUDGMENT INTEREST

Plaintiffs would additionally say and show that they are entitled to recovery of pre-judgment interest in accordance with law and equity as part of their damages herein, and Plaintiffs here and now sue for recovery of pre-judgment interest as provided by law and equity under the applicable provisions of the laws of the State of Texas.

XI. RULE 193.7 NOTICE

Plaintiffs hereby give actual notice to Defendants that any and all documents produced may be used against them during any pretrial proceeding and/or at trial without the necessity of authenticating the documents as permitted by Texas Rule of Civil Procedure 193.7.

XII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiffs recover actual damages as specified above from Defendants, jointly and severally, plus costs of Court, pre-judgment and post-judgment interest at the legal rate, and have such other and further relief, general and special, at law and in equity, to which Plaintiffs may be justly entitled under the facts and circumstances.

Respectfully submitted,

LAW OFFICES OF DOMINGO GARCIA, L.L.P.

12929 Gulf Freeway
Houston, Texas 77034
Telephone: (713) 349-1500
Facsimile: (713) 432-7785

/s/ *Leena Joseph*

LEENA JOSEPH

State Bar No.: 24084374

ljoseph@millerweisbrod.com

ATTORNEY FOR PLAINTIFFS

**Marilyn Burgess**
HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

Request for Issuance of Service**CASE NUMBER:** _____ **CURRENT COURT:** _____**Name(s) of Documents to be served:** PLAINTIFFS' ORIGINAL PETITION**FILE DATE:** 07/05/2022 Month/Day/Year**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):****Issue Service to:** 48 STATES LOGISTIC INC.**Address of Service:** 338 EAST 9TH STREET**City, State & Zip:** HIALEAH, FLORIDA 33010**Agent (if applicable)** _____**TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)**

- ☐ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
☐ Citation Scire Facias Newspaper _____
☐ Temporary Restraining Order ☐ Precept ☐ Notice
☐ Protective Order
☒ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
☐ Certiorari ☐ Highway Commission (\$12.00)
☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
☐ Subpoena
☐ Other (Please Describe) _____

(See additional Forms for Post Judgment Service)**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☐ CERTIFIED MAIL by District Clerk
☒ E-Issuance by District Clerk
 (No Service Copy Fees Charged)
 Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: LEENA JOSEPH **Bar # or ID** 24084374**Mailing Address:** 12929 GULF FREEWAY, HOUSTON, TEXAS 77034**Phone Number:** 713-349-1500

**Marilyn Burgess****HARRIS COUNTY DISTRICT CLERK**

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

7/5/2022 10:55:47 AM
Marilyn Burgess - District Clerk
Harris County
Envelope No: 66008911
By: LAWSON, CHANDRA K
Filed: 7/5/2022 10:55:47 AM**Request for Issuance of Service****CASE NUMBER:** _____ **CURRENT COURT:** _____**Name(s) of Documents to be served:** PLAINTIFFS' ORIGINAL PETITION**FILE DATE:** 07/05/2022 Month/Day/Year**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):****Issue Service to:** MICHAEL LEON**Address of Service:** 18401 NORTHWEST 39TH AVENUE**City, State & Zip:** MIAMI GARDENS, FLORIDA 33055**Agent (if applicable)** _____**TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)**

- ☐ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
☐ Citation Scire Facias Newspaper _____
☐ Temporary Restraining Order ☐ Precept ☐ Notice
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☐ Certiorari ☒ Highway Commission (\$12.00)
☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
☐ Subpoena
☐ Other (Please Describe) _____

(See additional Forms for Post Judgment Service)**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☐ CERTIFIED MAIL by District Clerk
☒ E-Issuance by District Clerk
 (No Service Copy Fees Charged)
Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ OTHER, explain _____

Issuance of Service Requested By: Attorney/Party Name: LEENA JOSEPH **Bar # or ID** 24084374**Mailing Address:** 12929 GULF FREEWAY, HOUSTON, TEXAS 77034**Phone Number:** 713-349-1500

**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

Marilyn Burgess - District Clerk Harris County

Envelope No. 66711504

By: Brianna Janel Denmon

Filed: 7/27/2022 10:44 AM

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

CASE NUMBER: 2022-40044 **Request for Issuance of Service** **CURRENT COURT:** 189th

Name(s) of Documents to be served: PLAINTIFF'S ORIGINAL PETITION

FILE DATE: 07/05/2022 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: MICHAEL LEON

Address of Service: 18401 NORTHWEST 39TH AVENUE

City, State & Zip: MIAMI GARDENS, FLORIDA 33055

Agent (if applicable) _____

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☐ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
☐ Citation Scire Facias Newspaper _____
☐ Temporary Restraining Order ☐ Precept ☐ Notice
☐ Protective Order
☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
☐ Certiorari ☐ Highway Commission (\$12.00)
☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
☐ Subpoena
☒ Other (Please Describe) CHAIR OF THE TEXAS TRANSPORTATION COMISSION

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☐ CERTIFIED MAIL by District Clerk
☒ E-Issuance by District Clerk
(No Service Copy Fees Charged)
Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.

☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: _____ Phone: _____

☐ **OTHER, explain** _____

Issuance of Service Requested By: Attorney/Party Name: LEENA JOSEPH **Bar # or ID** 24084374

Mailing Address: 12929 GULF FREEWAY, HOUSTON, TEXAS 77034

Phone Number: 713-349-1500

CAUSE NUMBER: 2022-40044

**JUAN PALENCIA PEREZ AND ALBAELIA
AYALA
PLAINTIFF**

VS.

**IN THE 189TH JUDICIAL DISTRICT
COURT OF HARRIS COUNTY, TEXAS**

**48 STATES LOGISTIC, INC. AND MICHAEL
LEON
DEFENDANT**

RETURN OF SERVICE

My name is **DANE CUPPETT**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.

ON Tuesday July 12, 2022 AT 04:42 PM - , TWO(2) DUPLICATE COPIES OF CITATION(SECRETARY OF STATE CORPORATE NON-RESIDENT) ; PLAINTIFF'S ORIGINAL PETITION; AND \$55 JURISDICTION FEE came to hand for service upon 48 STATES LOGISTIC, INC. (FLORIDA CORPORATION) BY SERVING THROUGH THE SECRETARY OF STATE.

On Thursday July 14, 2022 at 03:25 PM - The above named documents were hand delivered to: 48 STATES LOGISTIC, INC. (FLORIDA CORPORATION) BY SERVING THROUGH THE SECRETARY OF STATE @ 1019 BRAZOS, AUSTIN, TX 78701, in Person. By delivering to Venita Moss, designated agent.

FURTHER AFFIANT SAYETH NOT.

STATE OF TEXAS

DECLARATION

"My name is **DANE CUPPETT**, my date of birth is 10/09/1984 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Travis County, State of Texas on Tuesday July 19, 2022**

/s/DANE CUPPETT
Declarant

PSC#7114 EXP. 10/30/23
Appointed in accordance with State Statutes

2022.07.667461

HCDistrictclerk.com

PALENCIA PEREZ, JUAN vs. 48 STATES LOGISTIC INC

8/8/2022

Cause: 202240044

CDI: 7

Court: 189

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SETTINGS

No Settings found.

NOTICES

No Notices found.

SUMMARY**CASE DETAILS**

File Date	7/5/2022
Case (Cause) Location	
Case (Cause) Status	Active - Civil
Case (Cause) Type	Motor Vehicle Accident
Next/Last Setting Date	N/A
Jury Fee Paid Date	7/5/2022

CURRENT PRESIDING JUDGE

Court	189 th
Address	201 CAROLINE (Floor: 12) HOUSTON, TX 77002 Phone:7133686300
JudgeName	SCOT DOLLINGER
Court Type	Civil

ACTIVE PARTIES

Name	Type	Post Attorney Jdgm
PALENCIA PEREZ, JUAN	PLAINTIFF - CIVIL	JOSEPH, LEENA TREASA
48 STATES LOGISTIC INC	DEFENDANT - CIVIL	
AYALA, ALBAELIA	PLAINTIFF - CIVIL	JOSEPH, LEENA TREASA
LEON, MICHAEL	DEFENDANT - CIVIL	
48 STATES LOGISTIC INC (FLORIDA CORPORATION) MAY BE SERVED THROUGH THE	REGISTERED AGENT	
LEON, MICHAEL MAY BE SERVED THROUGH THE	REGISTERED AGENT	
HIGHWAY COMMISSION		

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs Volume /Page	Filing Attorney	Person Filing
7/5/2022	ORIGINAL PETITION			0	JOSEPH, LEENA TREASA	PALENCIA PEREZ, JUAN
7/5/2022	ORIGINAL PETITION			0	JOSEPH, LEENA TREASA	AYALA, ALBAELIA

SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION (STATE HIGHWAY COMMISSION)	SERVICE RETURN/EXECUTED	ORIGINAL PETITION	LEON, MICHAEL MAY BE SERVED THROUGH THE HIGHWAY COMMISSION	7/5/2022	7/5/2022	7/14/2022		7/19/2022	74023478	E-MAIL
18401 NORTHWEST 39TH AVENUE MIAMI GARDENS FL 33055										
CITATION (STATE HIGHWAY COMMISSION)	SERVICE RETURN/EXECUTED	ORIGINAL PETITION	LEON, MICHAEL MAY BE SERVED THROUGH THE HIGHWAY COMMISSION	7/5/2022	7/5/2022	7/14/2022		7/19/2022	74023478	E-MAIL
18401 NORTHWEST 39TH AVENUE MIAMI GARDENS FL 33055										
CITATION (SECRETARY OF STATE CORPORATE NON-RESIDENT)	SERVICE ISSUED/IN POSSESSION OF SERVING AGENCY	ORIGINAL PETITION	48 STATES LOGISTIC INC (FLORIDA CORPORATION) MAY BE SERVED THROUGH THE	7/5/2022	7/5/2022				74023480	E-MAIL
338 EAST 9TH STREET HIALEAH FL 33010										
CITATION(NON-RESIDENT)	SERVICE ISSUED/IN POSSESSION OF SERVING AGENCY	ORIGINAL PETITION	LEON, MICHAEL	7/27/2022	7/28/2022				74031715	E-MAIL
18401 NORTHWEST 39TH AVENUE, MIAMI GARDENS FL 33055										

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
103198240	Request for Issuance of Service		07/27/2022	1
103051010	Return of Service		07/19/2022	1
102789582	Plaintiffs' Original Petition		07/05/2022	5
-> 102789583	Request for Issuance of Service		07/05/2022	1
-> 102789584	Request for Issuance of Service		07/05/2022	1